

JOHN HOUSTON SCOTT (SBN 72578)  
LIZABETH N. de VRIES (SBN 227215)  
W. GORDON KAUPP (SBN 226141)  
**SCOTT LAW FIRM**  
1388 Sutter Street, Suite 715  
San Francisco, California 94109  
Telephone: (415) 561-9600  
Facsimile: (415) 561-9609  
[john@scottlawfirm.net](mailto:john@scottlawfirm.net)  
[liza@scottlawfirm.net](mailto:liza@scottlawfirm.net)  
[gordon@scottlawfirm.net](mailto:gordon@scottlawfirm.net)

ERIC SAFIRE (SBN 98706)  
**LAW OFFICES OF ERIC SAFIRE**  
2431 Fillmore Street  
San Francisco, CA 94115  
Telephone: (415) 292- 1940  
Facsimile: (415) 292-1946  
[eric@safirelaw.com](mailto:eric@safirelaw.com)

Attorneys for the Plaintiffs

BEN NISENBAUM (SBN 222173)  
**LAW OFFICES OF JOHN BURRIS**  
7677 Oakport Street, #1120  
Oakland, CA 94621  
Telephone: (510) 839-5200  
Facsimile: (510) 8393882  
[bnisenbaum@hotmail.com](mailto:bnisenbaum@hotmail.com)

Attorneys for the Plaintiffs

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

PATRICIA DESANTIS, individually and as  
Successor in Interest for RICHARD  
DESANTIS, deceased, and as Guardian Ad  
Litem for DANI DESANTIS, a minor and  
TIMOTHY FARRELL, a minor,

Plaintiffs,

v.

CITY OF SANTA ROSA, *et al.*,

Defendants.

Case No.: C 07 3386 JSW

**PLAINTIFFS' [PROPOSED] SPECIAL  
VERDICT**

Date: July 2, 2012

Time: 2:00 p.m.

Place: Courtroom 11, 19th floor

Judge: Jeffrey S. White

Trial Date: September 4, 2012

We the jury in the above case find the following special verdict:

**USE OF FORCE: FOURTH AMENDMENT**

1. As to one or more defendants has plaintiff Patricia DeSantis proved, by a preponderance of the evidence, that the use of deadly force on April 9, 2007 was objectively unreasonable?

Rich Celli Yes\_\_\_\_/No\_\_\_\_

Patricia Mann Yes\_\_\_\_/No\_\_\_\_

Travis Menke Yes\_\_\_\_/No\_\_\_\_

**USE OF FORCE: FOURTEENTH AMENDMENT**

2. As to one or more defendants have plaintiffs proved, by a preponderance of the evidence, that the use of deadly force on April 9, 2007 was motivated by a purpose to harm that was unrelated to the legitimate police purpose?

Rich Celli Yes\_\_\_\_/No\_\_\_\_

Patricia Mann Yes\_\_\_\_/No\_\_\_\_

Travis Menke Yes\_\_\_\_/No\_\_\_\_

**If the answer is “Yes” to any defendant in Question Number 1 or 2, answer Question Number 3.**

**MUNICIPAL LIABILITY**

3. Have plaintiffs proved, by a preponderance of the evidence, that City of Santa Rosa maintained a defacto policy of failing to discipline officers for use of excessive force that encouraged and condoned the use of excessive force on April 9, 2007?

Answer “Yes” or “No”

Answer:\_\_\_\_\_

**If your answer is “Yes”, to Question Number 3, answer Question Number 4.**

4. Have plaintiffs proved, by a preponderance of the evidence, that the City of Santa Rosa’s policy was a moving force in causing the death of Richard DeSantis?

Answer “Yes” or “No”

Answer:\_\_\_\_\_

**If the answer to any of the defendants in Question Number 1 is “Yes”, also answer Question Number 5.**

5. What are Richard DeSantis’ damages sustained after being injured and before his death?

\$ \_\_\_\_\_

**If the answer to any of the defendants in Question Number 2 is “Yes”, also answer Question Numbers 6 through 11.**

6. What are Patricia DeSantis’ economic damages? \$ \_\_\_\_\_

7. What are Patricia DeSantis’ non-economic damages? \$ \_\_\_\_\_

8. What are Dani DeSantis’ economic damages? \$ \_\_\_\_\_

9. What are Dani DeSantis’ non-economic damages? \$ \_\_\_\_\_

10. What are Adrianne DeSantis’ economic damages? \$ \_\_\_\_\_

11. What are Adrianne DeSantis’ non-economic damages? \$ \_\_\_\_\_

### **PUNITIVE DAMAGES**

12. As to one or more defendants’ was the conduct malicious, oppressive or in reckless disregard of Richard DeSantis’ rights?

Rich Celli Yes\_\_\_/No\_\_\_

Patricia Mann Yes\_\_\_/No\_\_\_

Travis Menke Yes\_\_\_/No\_\_\_

13. What amount of punitive damages do you award against any defendant you answered “Yes” in number 12?

Rich Celli \$ \_\_\_\_\_

Patricia Mann \$ \_\_\_\_\_

Travis Menke \$ \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Foreperson